

6-6-01
JL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HARRY E. WILLIAMS, JR.,

CIVIL ACTION NO.
1:CV-01-0877

Plaintiff,

v.

(Judge Kane)

**PENNSYLVANIA TURNPIKE
COMMISSION,**

Defendant.

FILED
HARRISBURG, PA

JUN - 4 2001

MARY E. ANDREA, CLERK
Per _____
Deputy Clerk

MEMORANDUM AND ORDER

Currently pending before this Court is Plaintiff's request to proceed with the above captioned actions in forma pauperis. Plaintiff has filed a declaration in support of his request. Plaintiff also submitted a letter which this court will construe as a motion for the appointment of counsel.¹ This Court will GRANT Plaintiff leave to proceed in forma pauperis, but, for the reasons that follow, will DENY the motion for the appointment of an attorney.

Although a plaintiff in a civil case has no constitutional or statutory right to the appointment of counsel, the Court has broad discretionary power to appoint counsel under 28 U.S.C. § 1915(e)(1). See Tabron v. Grace, 6 F.3d 147, 153 (3d Cir. 1993), cert. denied, 410 U.S. 1196 (1994); Ray v. Robinson, 640 F.2d 474, 477 (3d Cir. 1981). However, the Court of Appeals for the Third Circuit has stated that appointment of counsel for a litigant should only be made "upon a showing of special circumstances indicating the likelihood of substantial prejudice to him resulting, for example, from his probable inability without such assistance to present the facts and legal issues to the court in a complex but arguably meritorious case." Smith-Bey v. Petsock, 741 F.2d 22, 26 (3d Cir. 1984).

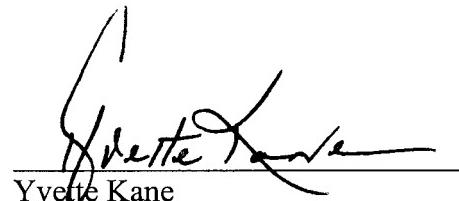
Plaintiff states that he has been unsuccessful in obtaining an attorney due to his financial hardship and his difficulty in caring for his disabled daughter and grandson. However, the case appears to present no special circumstances or complexity that would require the appointment of counsel. Therefore, Plaintiff's motion for the appointment of counsel will be denied.

¹Because this is a *pro se* petition, this Court will construe filings liberally. See Boag v. MacDougall, 454 U.S. 364, 365 (1982); Todaro v. Bowman, 872 F.2d 43, 44 n. 1 (3d Cir. 1989).

ORDER

Upon consideration, **IT IS ORDERED THAT:**

1. Plaintiff is **GRANTED** leave to proceed in forma pauperis.
2. Plaintiff's motion for appointment of counsel is **DENIED**.
3. The Clerk of Court is directed to serve Plaintiff's complaints upon Defendant pursuant to Federal Rule of Civil Procedure 4.
3. Defendant shall respond to the complaints within twenty (20) days after the date of service.



Yvette Kane
United States District Judge

Dated: June 4, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

June 5, 2001

Re: 1:01-cv-00877 Williams v. Pennsylvania

True and correct copies of the attached were sent to the following:

Harry E. Williams Jr.
319 Caravan Court
Middletown, PA 17057

cc:
 Judge (✓)
 Magistrate Judge ()
 U.S. Marshal ()
 Probation ()
 U.S. Attorney ()
 Atty. for Deft. ()
 Defendant ()
 Warden ()
 Bureau of Prisons ()
 Ct Reporter ()
 Ctroom Deputy ()
 Orig-Security ()
 Federal Public Defender ()
 Summons Issued () with N/C attached
 Standard Order 93-5 ()
 Order to Show Cause () with Petition attached & mailed certified mail
 to: US Atty Gen () PA Atty Gen ()
 DA of County () Respondents ()
 Bankruptcy Court ()
 Other _____

U.S. Postal Service CERTIFIED MAIL RECEIPT <i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
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Re their legal dept.

Pltf's Attorney ()	
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MARY E. D'ANDREA, Clerk

DATE: 6/4/01

BY: JL
Deputy Clerk